

February 2, 2004

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Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Ex Parte Notification**
CS Docket No. 98-120

Dear Ms. Dortch:

On Friday January 30, 2004, on behalf of the National Association of Broadcasters, Donald B. Verrilli, Jr. and Ian Heath Gershengorn met with John Rogovin, Joel Kaufman, Linda Kinney, and Susan Aaron of the Office of General Counsel to discuss the statutory interpretation of the "primary video" language in the must carry statute as it relates to cable carriage of broadcast DTV signals and constitutional questions raised about mandatory "full signal" cable carriage.

As discussed in NAB's filings in this docket, we argued that the Communications Act gives the Commission ample statutory authority to order mandatory carriage of all multicast streams of a broadcaster's digital signal, and that under the Supreme Court's *Turner* cases, the exercise of that authority would be consistent with the First Amendment.

Sincerely yours,



Donald B. Verrilli, Jr.

cc: John Rogovin
Joel Kaufman
Linda Kinney
Susan Aaron